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### **July 5th, 2016 Minutes**

Brookings County Planning & Zoning Commission  
July 5th, 2016 – 8:00 PM  
Brookings City & County Government Center  
310 Chambers

Chair Robbins called the meeting to order at 8:04 PM. Commission members present were: Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board member Roger Erickson.

Absent – Lee Ann Pierce and Tom Davis.

Chair Robbins read **agenda item # 2: Approval of minutes from June 7th, 2016 meetings.** Terrell Spence moved to approve the minutes. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Robert Hill noted staff report format would be discussed during Department Reports.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** Aaron Morford to address the board regarding a possible new event – August 13<sup>th</sup>, 2016 called Junk Jam.

Chair Robbins read **agenda item # 5: Approval of Agenda.** Kimberly Elenkiwich moved to approve the agenda. Roger Erickson second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins stated, “We are now acting as the Brookings County Planning and Zoning Commission”, read the opening statement and **agenda item #6: 2016cu014: Oaklake Cabin LLC by Steven Hogie has made an application, 2016cu014, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: “LP” Lake Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: “OL 2 of Govt. Lot 9 of NE1/4, Section 12, T112N, R48W (Oak Lake Township)” ~~ located at 48345 197<sup>th</sup> St, Astoria, SD 57213.**

Robert Rochel moved to approve the conditional use request. Darrel Kleinjan second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Hogie has applied for a conditional use to build a 48 feet x 48 feet x 12 feet side wall (2,304 square feet) accessory building on a lake front lot. The property was rezoned Lake Park in 1976 and contains 2.55 acres on Oak Lake. The setbacks for the lake front property are 25 feet from the road, 8 feet side setback and 75 feet from the high water mark. The proposed building would meet all setback requirements and will be located in the southeast corner of the property behind the tree line, to the rear of the property. Oak Lake Township Clerk, Norris Patrick called in and the township had no objections. Also adjoining landowners were mailed letters and we received no objections or comments." Mr. Haugen then went over a visual report of the site. Chair Robbins asked Mr. Hogie or a representative to come forward, identify himself and address the board. Steven Hogie identified himself and stated, "I am looking at putting up a 48 foot x 48 foot shed that would be used for general storage. It is located in the back of the lot behind the other shed and shouldn't bother anyone else." Chair Robbins opened up for discussion from the board. Board discussed view of the building from the road to the north and also if neighbors were contacted and had any issues with the building and location. Mr. Hogie noted that the trees obstruct the view of at least half of the structure from the road and that the neighbors were contacted and they had no concerns. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience. Dennis DeBoer came forward and asked for the reasoning of the 12 foot sidewalls. Mr. Hogie stated, "The reason for the 12 foot sidewalls is to allow for a 10 foot x 10 foot door, we have some trailers that we need that sized door to be able to get in the shed and allow for head room." Chair Robbins asked for further comments from the audience, hearing none. Chair Robbins asked for additional comments from the board. Board member Spence noted that the board was considering the size of items being placed in buildings and is considering it while reviewing the current zoning ordinances. Chair Robbins asked for additional comments for the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Erickson-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item #7: 2016cu013: Otter Tail Power Company by Cindy Kuismi has made an application, 2016cu013, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 15: "Water pumping stations, elevated tanks and similar essential public utilities and service structures". The property is described as: "100 x 100 foot subplot in SE1/4 of Section 3, T109N, R48W also to be known as Lot 2 of Kodiak Addition in the SE1/4 of Section 3, T109N, R48W of the 5th P.M., Brookings County, South Dakota (Parnell Township)".** Darrel Nelson moved to approve the conditional use request. Michael Vande Weerd second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr.

Haugen stated, "Otter Tail Power Company is applying for a conditional use permit to construct an electrical substation. Otter Tail has a transmission/service line that runs along 482<sup>nd</sup> Ave that will service the substation and provide power to the adjacent landowner. Power would be provided to a recent CAFO (Kodiak Pork) to be located in that area. A chain link fence will surround the substation and all electrical components will be located within the fenced area. The County Highway Superintendent, adjoining landowner's and Parnell Township had no comments or issues with the request." Mr. Haugen then presented a site report with visuals. Chair Robbins asked representatives from Otter Tail Power Company to introduce themselves and address the board. Representatives identified themselves as Cindy Kuismi, Otter Tail Power Company, Land Rights and Permitting and Joe Dold, Otter Tail Power Company, Area Engineer. Ms. Kuismi stated, "Otter Tail Power was asked by Pipestone Systems or Kodiak Pork to provide electric service to their new facility. They agreed to sell us a 100 feet x 100 feet lot that adjoins their property on 3 sides. The property has been platted and is now called Lot 2 of Kodiak Addition. We will be purchasing Lot 2 and our hope is to fence that area in with a chain link fence and all electrical components would be in the fenced area. We would build a distribution substation to serve their facility. Chair Robbins opened for questions for the board. Board members Nelson, Rochel and Robbins asked questions regarding: 1) If, the substation would exclusively serve Kodiak Pork? 2) If a new driveway would be installed? Ms. Kuismi replied, "1) Yes it is to exclusively serve Kodiak Pork. 2) There is an existing driveway that we plan to broaden." Chair Robbins opened up for discussion from the audience. Seeing none he asked for further discussion from the board. Board members Rochel, Robbins and Elenkiwich asked questions regarding: 1) Safety issues and someone running off the road with a chain link fence being the only barrier or if there would be other barriers. 2) Height of fence. 3) Lighting. 4) Plans for expansion. 5) Surveillance. Ms. Kuismi replied to questions: # 1) "No. Almost all of our substations are surrounded by chain link fence. Because all the electric components are a ways back from the fence, to my knowledge we have not had any problems with that. That is typical of our standards. # 2) The height of the fence is 6 foot." Joel Dold responded to questions: # 3) "Smaller substations like this we normally don't installing lighting, it can be done if required, but for a smaller one we generally don't. # 4) If the load would grow then yes, lighting would be added, but at the time we no plans for that." Ms. Kuismi replied to question # 5) "We do have surveillance at some sites and warning signs about high voltage and such are posted on our sites." Chair Robbins asked for additional comments for the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Erickson-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment", read the opening statement and **agenda item # 8: 2016var011: Otter Tail Power Company by Cindy Kuismi has made an application, 2016var011 to the Brookings County Board of Adjustment for a variance.**

**Article 11.00: Section 11.01 “A” Agricultural District: Area Regulations # 2):**  
**Front Yard: The minimum depth of the front yard shall be one hundred (100)**  
**feet. A corner lot will have two front yards. The property is described as: “100**  
**x 100 foot subplot in SE1/4 of Section 3, T109N, R48W also to be known as Lot**  
**2 of Kodiak Addition in the SE1/4 of Section 3, T109N, R48W of the 5th P.M.,**  
**Brookings County, South Dakota (Parnell Township).”** Roger Erickson moved  
to approve the variance request. Darrell Nelson second. Chair Robbins opened up  
for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Otter  
Tail Power Company is requesting a front yard variance in order to build the closest  
electrical component of the substation 30 feet from the right of way (482<sup>nd</sup> Ave), a  
variance of 70 feet. The side setback of 25 feet and rear setback of 50 feet will be  
met. A chain link fence will surround the substation perimeter. This substation is  
small and unique from other substations as it will only house components needed  
to service the adjoining customer (Kodiak Pork). The hardships to consider are: 1)  
the size of the substation, 2) to preserve the land use and building site. The  
Brookings County Highway Superintendent, adjoining landowners and Parnell  
Township Chairman and Clerk were sent letters and no objections to the request  
were received. Chair Robbins asked the representatives to address the board.  
Representatives of Otter Tail Power Company, Cindy Kuismi and Joel Dold came  
forward. Cindy Kuismi described the substation site to the board members noting  
that the chain link fence would be 15 feet from the road right of way, the closest  
structure (a wood pole) would be another 15 feet 3 inches beyond that and there  
would be a distance of 18 feet from chain link fence to the cement pad where the  
transformer would sit. Ms. Kuismi also stated, “It can’t meet the 100 foot setback  
as it is just a 100 foot lot, to preserve space for Kodiak Pork.” Chair Robbins  
opened up for questions from the board. Board member Rochel asked a question  
regarding elevation of items and possible snow impact on the road. Mr. Dold  
stated, “The poles themselves should not affect anything and the transformers  
would be the largest structures and they are only 5 feet tall so I don’t believe it will  
impact snow on the road. Chair Robbins verified that no new trees or other  
structures would be placed on the site in the future that would block snow or cause  
other issues. Chair Robbins asked for additional questions from the board, hearing  
none he opened up for questions for the audience, hearing none. Chair Robbins  
asked for additional comments for the board, hearing none he asked Mr. Haugen  
to go over the findings of facts, with any additions, which are on file. Chair Robbins  
called for a roll-call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-  
aye, Spence-aye, Jensen-aye, Erickson-aye, Rochel-aye, Robbins-aye. 9-ayes, 0-  
nays, motion carried.

Chair Robbins recused himself from the board and Vice Chairperson  
Kimberly Elenkiwich assumed the seat and read **agenda item # 9: 2016var012:**  
**Michael Syrstad has made an application, 2016var012, to the Brookings**  
**County Board of Adjustment for a variance. Article 13.00: Section 13.01: “LP”**  
**Lake-Park District: Density, Area and Yard Regulation (Non-Lake Front). The**  
**property is described as: “Lot 16, 17, 18 & 19 Hagensicks Subdivision in SW**  
**1/4 of Sec. 32, T109N, R50W (Medary Township)” ~~ located at 9085, 9095,**  
**9115 & 9125 Hagensick Rd, Brookings, SD 57006.** Randy Jensen moved to

approve the variance request. Terrell Spence second. Chair Elenkiwich opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Syrstad has applied for a variance to build a new residence 15 feet from the rear property line (Bortnem Beach Road) and 5 feet from the front road (Hagensick Road) on on-lake front lots located on Lake Campbell. A variance of 35 feet for the rear setback and 45 feet for the road (front) setback. The lots are pie shaped, varying in width and depth and were platted on September 24<sup>th</sup>, 1958. Mr. Syrstad purchased the lots in 2013 and finished clearing the property and would now like to build a 60 feet x 70 feet structure. It would consist of a 30 feet x 36 feet residence with a 40 feet x 60 feet attached garage. The mature trees on the lot would be maintained and would be between the proposed residence and Bortnem Beach Road. The garage would be on the south end of the house and he would access the garage by driving off Hagensick Road across his property then into his garage. He would not be backing out onto Hagensick Road. The Hagensick Road ends at Lot 16 and is a dead end road used only by residence that live along the road. Letters were sent to adjoining landowners and the Medary Township Clerk and Chairman and we received no comments. The hardships to consider: 1) Shape and size of the lot, 2) location of existing trees, 3) lots were platted prior to current lake park setback requirements." Mr. Haugen then presented a visual presentation of the site. Chair Elenkiwich called Mr. Michael Syrstad forward and asked him to address the board. Mr. Syrstad stated, "My intent is to build a structure for residence and for storage. My motor home is large so that is why the sidewalls are large." Chair Elenkiwich opened up for questions from the board. Chair Elenkiwich asked a question regarding removal of trees. Mr. Syrstad noted that on a couple of old ash that were splitting would need to be removed from the site otherwise all other trees would remain. Board member Vande Weerd asked, "As far as the 5 feet off Hagensick, I realize it is a dead end but do you have concerns of that getting pretty close in regards to the porch?" Mr. Syrstad stated, "The trees are there and if I need to adjust a little bit I could adjust. There is only one other person that owns property other than myself and a family member, that person is to the north and I am not too worried about it." Chair Elenkiwich asked Mr. Syrstad about snow removal. Mr. Syrstad noted that it was snow removal and gravel maintenance was all done privately by the lot owners. Board member Rochel asked If Mr. Syrstad had talked with the neighbors. Mr. Syrstad noted that he had discussed with the area neighbors and they were fine with the plan. Board member Spence asked for clarification of the structure dimensions and question regarding the road being private and board jurisdiction related to that. Mr. Haugen stated, "The structure is T shaped thus the dimensions noted. Also the road is a private road and is platted as such on the plat." Mr. Hill added, "The road is a platted road so it is an official road." Chair Elenkiwich opened for questions from the audience, hearing none. Chair Elenkiwich asked for additional comments from the board. Board member Nelson asked Mr. Syrstad if he would be able to get his motor home moved around with the tight area. Mr. Syrstad noted that he had ample room since he owned the other lots adjoining the site. Chair Elenkiwich opened for questions from the audience, hearing none. Chair Elenkiwich asked for additional comments for the board, hearing none she asked Mr. Haugen to go over the findings of facts,

with any additions, which are on file. Chair Elenkiwich called for a roll-call vote: Nelson-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Erickson-aye, Rochel-aye, Kleinjan-aye, Elenkiwich-aye. 8-ayes, 0-nays, motion carried.

Elenkiwich stepped down and Robbins resumed his seat as Chairman.

Chair Robbins read agenda item # 10: **2016var013: Dwain Shay has made an application, 2016var013, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 13 DeBoer's Lake Tetonkaha West Subdiv in SE1/4 Sec. 7, T111N, R51W (Oakwood Township)" -- located at 26 Oakwood Shoreline Dr, Bruce, SD 57220.** Kimberly Elenkiwich moved to approve the variance request. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Shay has applied for a variance to raise up his existing cabin and deck, construct a new basement in the same location and place the cabin and deck on the new basement. His existing setbacks are 50 feet from the road, the edge of the house is 27 feet from the high water mark and the deck is 7 feet from the high water mark. The side setback of 8 feet are meet. The existing home was constructed in 1940. The DeBoer's Lake Tetonkaha West Subdivision was platted in 1984 and then replatted in 2003 when access was changed." Mr. Haugen then presented a visual report of the site. Chair Robbins asked Mr. Shay to address the board and answer any questions. Mr. Shay stated, "We want to raise the cabin up, set it to the side, put a full basement on that spot then put the cabin on the basement and make it a year around cabin, not just a summer cabin." Chair opened up for questions or comments from the board. Chair Robbins asked for two clarifications: 1) Will the residence be moved in any new direction, either closer to the lake, sides or road side? 2) What will change in the retaining wall/landscape area? Mr. Shay stated, "The plan is to put it right back to where it is, we have no desire to move closer to lake or road." Shawn Knapp, Mr. Shay's contractor identified himself and addressed question #2. Mr. Knapp stated, "The top row of landscape rock will come down, the flood certification was done and the top row will probably become a poured concrete wall, otherwise everything else will stay as it is." Board member Elenkiwich stated, "You have said the dimensions of the cabin weren't going to change, how about the height of the structure?" Mr. Shay noted that the structure would not raise more than one foot according to plans at this time. Chair Robbins asked if the board had questions. Hearing none he asked if the audience had further questions, hearing none. Chair Robbins asked if the board had further questions. Board member Nelson asked, "Do you have to do any kind of mitigation for radon gas, is that at all an issue?" Mr. Knapp stated, "It probably won't be an issue with it being a walk-out basement, now when basements are done we generally put mitigation systems in thru the sump hole, so it is all pre-built into the system." Chair Robbins asked, "Will any changes be made to the septic system?" Mr. Shay stated, "We will put in a new larger septic system where the current one exists." Chair Robbins asked for additional comments for the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Kleinjan-aye, Vande Weerd-aye,

Spence-aye, Jensen-aye, Erickson-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Robbins-aye. 9-aye, 0-nays, motion carried.

Chair Robbins **read agenda item # 11: 2016var014: Todd Egge has made an application, 2016var014, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 8 DeBoer's Lake Tetonkaha Subdiv in SE1/4 Sec. 7, T111N, R51W (Oakwood Township)" ~~ located at 8 Oakwood Shoreline Dr, Bruce, SD 57220.** Michael Vande Weerd moved to approve the variance request. Robert Rochel second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Egge has applied for a variance to build an 8 feet x 24 feet addition on his cabin with a 30 feet x 24 feet attached garage. The existing setbacks are 64 feet from the road, west side is 3 feet and east side setback is 42 feet. The existing home was constructed in 1960. The septic system is located east of the cabin, preventing him from moving the addition and garage farther to the east. Mr. Egge contacted adjoining landowners. Comments from Dennis DeBoer, Bonnie Busdicker and Laurie Nelson-Moe and Mike Moe are on file and state they are ok with the additions. The road set back of 25 feet will be met, the variance is for a 3 feet side setback on the east side. This would allow the new addition the same 3 feet side setback as that of the current cabin." Mr. Haugen then presented a visual report on the variance request. Chair Robbins asked Mr. Egge to address the board. Todd Egge and his contractor Shawn Knapp came forward to address the board. Mr. Egge stated, "The plan is that we would add 8 feet on the south side of the existing cabin that would allow for a utility room, an entry-way and expand an existing bedroom. The attached garage addition would then continue south with a loft above it. The idea is to make it a 4 season cabin. The existing garage will be removed to open the area and not encroach on the road in that area." Chair Robbins asked for questions from the board, hearing none he asked for questions from the audience, hearing none. Chair Robbins asked for additional comments or questions for the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Erickson-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-aye, 0-nays, motion carried.

Chair Robbins **read agenda item # 12: 2016var015: Shawn Knapp has made an application, 2016var015, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "Lot 49 DeBoer's Lake Tetonkaha West Subdiv in SW1/4 Sec. 7, T111N, R51W (Oakwood Township)" ~~ located at 73 Oakwood Shoreline Dr, Bruce, SD 57220.** Robert Rochel moved to approve the variance request. Roger Erickson second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Knapp has applied for a variance to build a new house. The lot is owned by Mitch Osterholt of Maplewood, MN. The house with an attached deck would be 34 feet from the high water mark, a variance of 41 feet. The house will be 45 feet from the high water mark. It will

meet the side setback of 8 feet and the road setback of 25 feet. The house will be 35 feet from the road, to allow for backing out of the garage without backing out onto the road. The property is located on a hill and the elevation difference on the lake side is about 12 feet from the lake shore to the top of the hill. The width of the lot is 75 feet. The north property line is 135 feet and the south property line is 110 feet. DeBoer's Lake Tetonkaha West Subdivision was platted in 1984 and then replatted in 2003 when access was changed." Mr. Haugen then presented a visual report of the site. Chair Robbins asked Shawn Knapp to come forward and address the board. Mr. Knapp stated, "I want to build a new house and it is nearly impossible to meet the setbacks on the size of lots in that area." Chair Robbins asked for questions from the board, hearing none he asked for questions from the audience, hearing none. Chair Robbins asked for additional comments or questions for the board. Chair Robbins verified that the structure would include a house with garage so no additional storage structures would be needed. Board member Jensen asked if any adjoining landowners had made any comments regarding the request. Mr. Haugen noted that none were received. Board member Erickson asked a question regarding the septic system. Mr. Knapp noted that they would use a drain field if an easement was available or go with a sealed holding tank. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Spence-aye, Jensen-aye, Erickson-aye, Rochel-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins **read agenda item #4. Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board: a) Aaron Morford.** Chair Robbins asked Mr. Morford to address the board. Mr. Aaron Morford stated, "I would like to bring a new event to the area, I am the owner of Funky Junk and my wife and I want to have an event called Junk Jam, August 13, 2016. The proposed location would be 47439 214<sup>th</sup> St, Aurora, SD. The property is owned by Michael Bennett. The event would be one day and consist of around 25 vendors, music and food." The board discussed and determined that the landowner would need to apply for a conditional use permit. The board discussed the plans for the event and what would need to be considered in hosting an event. Mr. Hill noted that the area that the proposed event would be in is under the Joint Jurisdiction Ordinance and would currently fall under an extended home occupation ordinance and would probably be set as a one-time use.

Chair Robbins read **Agenda item # 13: Department Reports.** Chair Robbins asked Mr. Hill for his Directors report. Mr. Hill discussed with the board members the format and information contained in the staff report. Luke Muller from First District of Local Governments also commented during discussion. Mr. Hill also gave a brief report on the subcommittees and the work being done on revising the county ordinances. Preliminary plans were discussed with September and/or October being possible months when public hearings would take place. Mr. Haugen noted that Brent Thompson fulfilled the requirement of a perpetual no build easement condition as part of his 2013 CAFO (Confined Animal Feeding



Operation) putting him in compliance. Mr. Haugen also noted that the easement was filed with the Register of Deeds office and is on file in the Development office.

Chair Robbins asked for a motion to adjourn. Kimberly Elenkiwich made a motion to adjourn the meeting, Michael Vande Weerd second. Chair Robbins called for a voice vote. 9-ayes, 0-nays.

Chair Robbins adjourned the meeting at 9:13 PM.

Rae Lynn Maher  
Brookings County  
Development Department.